

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|----------------------------|
| SCIELE PHARMA, INC., et al., |) | C.A. No. 09-037 (RBK) (JS) |
| |) | |
| Plaintiffs, |) | (CONSOLIDATED) |
| |) | |
| v. |) | |
| |) | |
| LUPIN LTD., et al., |) | |
| |) | |
| Defendants. |) | |
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| SHIONOGI INC., et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. NO. 10-135 (RBK) (JS) |
| |) | |
| MYLAN INC., et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**LUPIN DEFENDANTS' MOTION TO BIFURCATE LIABILITY AND DAMAGES
AND TO STAY DAMAGES DISCOVERY**

Defendants Lupin Ltd. and Lupin Pharmaceuticals USA (collectively “Lupin”), by and through their undersigned counsel, hereby respectfully move for an order, pursuant to Federal Rule of Civil Procedure 42, bifurcating the liability and damages phases of this action and to stay damages discovery. The undersigned counsel hereby certifies that, pursuant to District of Delaware Local Rule 7.1, counsel for Lupin made good faith efforts to meet and confer with Plaintiffs regarding the relief sought in the Motion before filing the Motion. The grounds for this Motion are more fully set forth in the accompanying Opening Brief filed contemporaneously herewith.

April 24, 2012

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